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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,913	01/15/2002	James Patrick Goodwin	23452-506	4962

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PILLSBURY WINTHROP SHAW PITTMAN, LLP
P.O. BOX 10500
MCLEAN, VA 22102

EXAMINER

STORK, KYLE R

ART UNIT PAPER NUMBER

2178

DATE MAILED: 12/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/044,913

Applicant(s)

GOODWIN ET AL.

Examiner

Kyle R. Stork

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This non-final office action is in response to the pre-appeal brief request for review filed 3 October 2005.
2. Claims 1-20 are pending. Claims 1, 6, 11, and 16 are independent claims. The rejection of claims 1-20 under 35 U.S.C. 102 and 103 has been withdrawn.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 6, 11, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hurwood et al. (US 6772137, filed 20 June 2001, hereafter Hurwood).

Hurwood discloses a method for using extensible markup language to normalize objects that are stored in one or more of a plurality of object repository types, the method comprising the steps of:

- The object comprises metadata (column 6, lines 24-28)
- Identifying the at least one object stored in the one or more of the plurality of object repository types (column 3, line 41- column 16: Here, a query is submitted.

The information satisfying the query is identified and processed to conform to a proper format)

- Extracting at least one portion of the at least one object, wherein the at least one portion is extracted in extensible markup language (XML) format (column 6, lines 45-51: Here, the query report presents data in the XML format)
- Transmitting the at least one portion to a processor (Figure 2; column 5, lines 14-16)
- Processing the at least one portion (Figure 2; column 5, lines 16-34)

Hurwood fails to specifically disclose determining, from the plurality of object repository types, the one or more object repository types that store at least one object. However, Hurwood suggests that based upon a search query, determining a repository type, and then obtaining an object from the repository storing the object (Figure 1; column 2, line 57- column 3, line 9, 28-40, 56- column 4, line 3: Here, several repository types are disclosed, including Sybase™ OLAP, SQL, SAN, and Microsoft Access™. The search query is modified to comply with the proper format of the repository). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Hurwood's suggestion of determining repository types with Hurwood, since it would have allowed a user to enter a single query and query several data repositories (column 3, line 56- column 4, line 3).

As per independent claim 6, the applicant discloses the limitations similar to those in claim 1. Claim 6 is similarly rejected under Hurwood.

As per independent claim 11, the applicant discloses the limitations similar to those in claim 1. Claim 11 is similarly rejected under Hurwood.

As per independent claim 16, the applicant discloses the limitations similar to those in claim 1. Claim 16 is similarly rejected under Hurwood.

5. Claims 2-4, 7-9, 11-14, and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hurwood and further in view of Shanahan (EP 1143356, published 10 October 2001).

As per dependent claim 2, Hurwood discloses the limitations similar to those in claim 1, and the same rejection is incorporated herein. Hurwood fails to specifically disclose the method wherein some of the metadata is preserved. However, Shanahan discloses the method wherein some of the metadata is preserved (paragraph 0015: Here, metadata has the ability to adapt to changes. This preserves some of the metadata).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Hurwood's method with Shanahan's method, since it would have allowed a user to easily modify and store metadata.

As per dependent claim 3, Hurwood and Shanahan disclose the limitations similar to those in claim 2, and the same rejection is incorporated herein. Shanahan discloses the method wherein the metadata that is preserved includes at least one of author, title, subject, date created, date modified, list of modifiers, and link list information (paragraph 0015).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Hurwood and Shanahan's method with Shanahan's method, since it would have allowed a user to store data about a document.

As per dependent claim 4, Hurwood discloses the limitations similar to those in claim 1, and the same rejection is incorporated herein. Hurwood fails to specifically disclose mapping at least one field in the at least one object with a field designation identifier. However, Shanahan discloses the method further comprising the step of mapping at least one field in the at least one object with a field designation identifier (paragraph 0021: Here, the data is mapped to tags such as <MYNAME> and <WANT>).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Hurwood's method with Shanahan's method, since it would have allowed a user to easily add data to be stored.

As per dependent claim 7, the applicant discloses the limitations similar to those in claim 2. Claim 7 is similarly rejected under Hurwood and Shanahan.

As per dependent claim 8, the applicant discloses the limitations similar to those in claim 3. Claim 8 is similarly rejected under Hurwood and Shanahan.

As per dependent claim 9, the applicant discloses the limitations similar to those in claim 4. Claim 9 is similarly rejected under Hurwood and Shanahan.

As per dependent claim 12, the applicant discloses the limitations similar to those in claim 2. Claim 12 is similarly rejected under Hurwood and Shanahan.

As per dependent claim 13, the applicant discloses the limitations similar to those in claim 3. Claim 13 is similarly rejected under Hurwood and Shanahan.

As per dependent claim 14, the applicant discloses the limitations similar to those in claim 4. Claim 14 is similarly rejected under Hurwood and Shanahan.

As per dependent claim 17, the applicant discloses the limitations similar to those in claim 2. Claim 17 is similarly rejected under Hurwood and Shanahan.

As per dependent claim 18, the applicant discloses the limitations similar to those in claim 3. Claim 18 is similarly rejected under Hurwood and Shanahan.

As per dependent claim 19, the applicant discloses the limitations similar to those in claim 4. Claim 19 is similarly rejected under Hurwood and Shanahan.

6. Claims 5, 10, and 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Hurwood in further view of Summerlin et al. (US 6553365, filed 13 June 2003, patent 22 April 2003, hereafter Summerlin).

As per dependent claim 5, Hurwood discloses the limitations similar to those in claim 1, and the same rejection is incorporated herein. Hurwood fails to specifically disclose the method wherein the processor comprises at least one of a full-text engine, a metrics engine, and a taxonomy engine. Summerlin discloses the method wherein the processor comprises at least one of a full-text engine, a metrics engine, and a taxonomy engine (Figure 6; column 12, lines 16-20: Here, the taxonomy engine searches the database).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Hurwood's method with Summerlin's method, since it would have allowed a user to search a metadata repository for information.

As per dependent claim 10, the applicant discloses the system for execution of the method of claim 5. Claim 10 is similarly rejected under Hurwood and Summerlin.

As per dependent claim 15, the applicant discloses the system for execution of the method of claim 5. Claim 15 is similarly rejected under Hurwood and Summerlin.

As per dependent claim 20, the applicant discloses the system for execution of the method of claim 5. Claim 20 is similarly rejected under Hurwood and Summerlin.

Response to Arguments

7. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kyle R. Stork whose telephone number is (571) 272-4130. The examiner can normally be reached on Monday-Friday (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2178

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kyle Stork
Patent Examiner
Art Unit 2178

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STEPHEN HONG
SUPERVISORY PATENT EXAMINER